

UNITED STATES OF AMERICA
v.
TIMOTHY JOHNSON

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Case No. 3:11-CR-139 JD

THIRD SUPPLEMENTAL ORDER CONTROLLING CRIMINAL TRIAL

In light of the trial now scheduled for **Tuesday, May 29, 2012 at 9:30 a.m.** before the undersigned, the Court SETS a final pretrial conference for **Friday, May 11, 2012 at 10:00 a.m.**, to take place in the first floor courtroom in South Bend, Indiana with counsel for both parties to appear. Attendance of the Defendant(s) at the final pretrial conference is preferred but not required. The pretrial motions deadline is **March 16, 2012**. The Court also SETS the following deadlines, which shall now control over previously set deadlines:

1) No later than Wednesday, April 25, 2012, 12:00 p.m. (noon), the parties are to file on CM/ECF any Motion in Limine as a single document.

That is, a party may raise as many issues in a motion in limine as the case makes appropriate, but only one motion may be filed on behalf of that party. A response shall be filed no later than **Wednesday, May 2, 2012, 12:00 p.m. (noon)**, and any reply shall be filed no later than **Monday, May 7, 2012, 12:00 p.m. (noon)**. After this deadline passes, the parties shall notify the Court as soon as possible if any witnesses timely disclosed for the first time will result in a motion in limine.

2) No later than Monday, May 7, 2012, 12:00 p.m. (noon), the parties are to submit a Statement of the Case.

The statement should be sent to deguilio_chambers@innd.uscourts.gov and need not be filed on CM/ECF or disclosed to the other party.

The Statement of the Case should identify the following:

- a) issues to be tried;
- b) the elements of the charge(s) in the Indictment;
- c) any stipulations entered into by the parties;
- d) the identification and admissibility of exhibits, including recordings;

- e) identification of expert witnesses, a description of their opinions and the bases for those opinions, and the witnesses' qualifications;
- f) admissibility of prior convictions;
- g) any questions that may arise as to *Jackson v. Denno*, 378 U.S. 368 (1964) (confessions and admissions) and *Bruton v. United States*, 391 U.S. 123 (1968) (co-defendant confessions and right to confrontation);
- h) as to multi-defendant cases, any questions that may arise as to *United States v. Echeles*, 352 F.2d 892 (7th Cir. 1965) (trial separation), the number and manner of exercising peremptory challenges, and the order of questioning and presenting defenses;
- i) any other evidentiary questions or legal issues reasonably anticipated to arise at trial; **and**
- j) whether arrangements have been made for Defendant(s) to appear in civilian clothes for trial, as defense counsel shall make certain that clothes for a Defendant in custody are delivered to the Marshal's office at least 1 business day before the start of trial.

3) No later than Tuesday, May 22, 2012, 12:00 p.m. (noon), the parties are to submit proposed final jury instructions and verdict forms (with legal authorities).

These submissions are to be made in word processing format (not PDF) to the appropriate chamber's email box **AND** by electronically filing the same on CM/ECF. The Court will file on CM/ECF its proposed final jury instructions prior to this deadline. **The parties should NOT submit instructions duplicative of the Court's.**

4) No later than Wednesday, May 23, 2012, 12:00 p.m. (noon), the parties are to submit witness lists and proposed voir dire questions.

Witness lists and proposed voir dire questions should be emailed in word processing format (not PDF) to the appropriate chambers' email address—do not submit voir dire questions that will be covered by the juror questionnaire. The Court will file on CM/ECF its proposed voir dire questions prior to this deadline. **The parties should NOT submit voir dire questions duplicative of the Court's proposed voir dire or of the jury questionnaire.**

SO ORDERED.

ENTERED: February 27, 2012

/s/ JON E. DEGUILIO

Judge
United States District Court